

BANKING DIVISION[187]

Adopted and Filed

Rule making related to uniform waiver and variance

The Iowa Division of Banking (IDOB) hereby amends Chapter 12, “Uniform Waiver and Variance Rules,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 17A.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 17A.9A.

Purpose and Summary

These amendments reflect the Iowa Division of Banking’s compliance with Iowa Code section 17A.7(2), which states that, as of July 1, 2012, “over each five-year period of time, an agency shall conduct an ongoing and comprehensive review of all of the agency’s rules [and t]he goal of the review is the identification and elimination of all rules of the agency that are outdated, redundant, or inconsistent or incompatible with statute or its own rules or those of other agencies.” The amendments to Chapter 12 are intended to update statutory references to reflect the correct authority for the rules.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 15, 2018, as **ARC 3950C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Superintendent of Banking on September 19, 2018.

Fiscal Impact

No current fees are being changed, and no new fees are being added; therefore, the IDOB has concluded that these amendments will not have a fiscal impact to the State of Iowa.

Jobs Impact

Because no existing authorized activities are being restricted, no new activities are being authorized, no existing fees are being increased, and no new fees are being added, the IDOB has concluded that these amendments will have no impact on jobs in Iowa.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the IDOB for a waiver of the discretionary provisions, if any, pursuant to 187—Chapter 12.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on November 14, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend rule 187—12.1(17A,ExecOrd11), parenthetical implementation statute, as follows:

187—12.1(17A,ExecOrd11 524) Scope of chapter.

ITEM 2. Amend rule 187—12.2(17A,ExecOrd11), parenthetical implementation statute, as follows:

187—12.2(17A,ExecOrd11 524) Superintendent discretion.

ITEM 3. Amend rule 187—12.3(17A,ExecOrd11), parenthetical implementation statute, as follows:

187—12.3(17A,ExecOrd11 524) Requester's responsibilities in filing a waiver or variance petition.

ITEM 4. Amend rule 187—12.4(17A,ExecOrd11), parenthetical implementation statute, as follows:

187—12.4(17A,ExecOrd11 524) Notice.

ITEM 5. Amend rule 187—12.5(17A,ExecOrd11), parenthetical implementation statute, as follows:

187—12.5(17A,ExecOrd11 524) Superintendent's responsibilities regarding petition for waiver or variance.

ITEM 6. Amend rule 187—12.6(17A,ExecOrd11), parenthetical implementation statute, as follows:

187—12.6(17A,ExecOrd11 524) Public availability.

ITEM 7. Amend rule 187—12.7(17A,ExecOrd11), parenthetical implementation statute, as follows:

187—12.7(17A,ExecOrd11 524) Voiding or cancellation.

ITEM 8. Amend rule 187—12.8(17A,ExecOrd11), parenthetical implementation statute, as follows:

187—12.8(17A,ExecOrd11 524) Violations.

ITEM 9. Amend rule 187—12.9(17A,ExecOrd11), parenthetical implementation statute, as follows:

187—12.9(17A,ExecOrd11 524) Defense.

ITEM 10. Amend rule 187—12.10(17A,ExecOrd11), parenthetical implementation statute, as follows:

187—12.10(17A,ExecOrd11 524) Appeals.

ITEM 11. Amend rule 187—12.11(17A, ExecOrd11), parenthetical implementation statute, as follows:

187—12.11(17A, ExecOrd11 524) Summary reports.

ITEM 12. Amend 187—Chapter 12, implementation sentence, as follows:

These rules are intended to implement ~~Executive Order Number 11~~ and Iowa Code section 17A.9A and chapter 524.

[Filed 9/19/18, effective 11/14/18]

[Published 10/10/18]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/10/18.